

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Prior to this amendment, Claims 1, 2, 4, 5, 7-17 and 19-29 were pending in the application, with Claims 1, 10, 16 and 22 being the independent claims.

The Examiner rejected Claims 1, 2, 4, 5, 9-12, 15-17, 21-25, 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,064,383 to *Skelly* in view of International Publication No. WO 00/57617 to *Kraft et al.* (hereinafter, *Kraft*), Japanese Publication No. 10-198165 to *Umeda et al.* (hereinafter, *Umeda*) and U.S. Patent No. 6,539,240 to *Watanabe*. The Examiner rejected Claims 7, 8, 13, 14, 19, 20, 26 and 27 under 35 U.S.C. §103(a) as being unpatentable over *Skelly* in view of *Kraft*, *Umeda*, *Watanabe* and U.S. Publication No. 2004/0002325 to *Evans et al.* (hereinafter, *Evans*).

Regarding the §103(a) rejection of Claims 1, 2, 4, 5, 9-12, 15-17, 21-25, 28 and 29, the Examiner contends that each element the claims is taught, suggested or rendered obvious by the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*. More specifically, the Examiner contends that *Skelly* teaches or suggests each element of Claim 1 with the exception of entering an emoticon input mode while an SMS message is written, creating, by the user, at least one emoticon within a range of a transmittable SMS message, which is formed by utilizing a plurality of typical characters and special characters in combination, and represents a hieroglyphic character. The Examiner cites *Kraft*, *Umeda* and *Watanabe* in an attempt to remedy these deficiencies.

Skelly discloses a user interface that enables a user to select a character appearance that corresponds with an emotional intensity. *Kraft* discloses a communication terminal for handling messages that include a text part, a graphical part and information defining the position of the graphical part within the text part. *Umeda* discloses a multimedia electronic mail system.

Watanabe discloses a communication apparatus for reception of a character representing a communication target and action information representing an action of the character.

Claims 1, 2, 4, 5 and 9 have been cancelled without prejudice. Accordingly, the rejections of these claims are considered moot.

Regarding Claim 10, this claim recites, in part, an emoticon input method in a mobile terminal that groups a plurality of emoticons and stores the emoticons by groups in the mobile terminal. A list of the stored emoticon groups is displayed, an emoticon group is selected, and the emoticons of the selected emoticon group are displayed. A selected emoticon is stored in an SMS message.

Skelly describes a system that maintains a list of emoticons, along with associated gestures and expressions. Upon finding an emoticon, the system modifies the expression of a character in a chat session. However, *Skelly* fails to disclose that a plurality of emoticons are grouped. The Examiner concedes that *Skelly* fails to disclose the storage of emoticons by group in the mobile terminal, but fails to provide additional support for the rejection.

Further, while *Skelly* describes expressions that may be provided to a character, the character expressions and gestures are differentiated from emoticons input by the user. *Skelly* fails to provide any disclosure relating to the display of a list of stored emoticon groups, the selection of an emoticon group, and the display of emoticons in a selected group, as recited in Claim 10. *Kraft*, *Umeda* and *Watanabe* fail to remedy the deficiencies of *Skelly* described above. Therefore, Claim 10 is patentable over the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*.

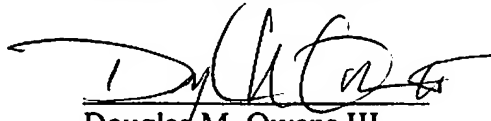
The Examiner also rejected independent Claims 16 and 22 under 35 U.S.C. §103(a). Claims 16 and 22 recite subject matter similar to that of Claim 10. In view of the above, Claim 16 and 22 are also patentable over the combination of *Skelly*, *Kraft*, *Umeda* and *Watanabe*.

Regarding Claims 11, 12, 15, 17, 21, 23-25, 28 and 29, while not conceding the patentability of these dependent claims, *per se*, Claims 11, 12, 15, 17, 21, 23-25, 28 and 29 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 10-12, 15-17, 21-25, 28 and 29 are allowable over *Skelly*, *Kraft*, *Umeda*, *Watanabe*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Regarding the §103(a) rejection of Claims 7, 8, 13, 14, 19, 20, 26 and 27, Claims 7 and 8 have been cancelled without prejudice. *Evans* also fails to remedy the deficiencies of *Skelly* described above with respect to Claim 10. While not conceding the patentability of the dependent claims, *per se*, Claims 13, 14, 19, 20, 26 and 27 are also patentable for at least the above reasons. Accordingly, Applicant asserts that Claims 13, 14, 19, 20, 26 and 27 are allowable over *Skelly*, *Kraft*, *Umeda*, *Watanabe*, *Evans*, or any combination thereof, and the rejection under 35 U.S.C. §103(a) should be withdrawn.

Accordingly, all of the claims pending in the Application, namely, Claims 10-17 and 19-29 are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,



Douglas M. Owens III
Registration No. 51,314
Attorney for Applicant(s)

THE FARRELL LAW FIRM, P.C.
290 Broadhollow Rd., Ste 210 E
Melville, NY 11747
(516) 228-3565